

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

POLSKIE LINIE LOTNICZE LOT S.A.,

Plaintiff,

vs.

THE BOEING COMPANY,

Defendant.

Case No. 2:21-CV-01449-RSM

STIPULATED MOTION AND ORDER
FOR LEAVE TO FILE PLAINTIFF LOT'S
REDACTED FIRST AMENDED
COMPLAINT

NOTING DATE: NOVEMBER 8, 2022

INTRODUCTION

Pursuant to Local Civil Rule 5(g)(3)(B)(iii), Plaintiff Polskie Linie Lotnicze LOT S.A. ("LOT") and Defendant The Boeing Company ("Boeing") respectfully move the Court to grant LOT leave to file a redacted version of its First Amended Complaint and maintain the unredacted copy under seal. The proposed complaint for filing is attached as Exhibit A.

PROCEDURAL HISTORY

The Parties jointly follow up on their prior request to seal LOT's First Amended Complaint, which the Court granted on November 1, 2022. *See* ECF No. 44. After meeting and conferring on

November 7, 2022,¹ the Parties now agree that four (4) paragraphs (out of 1,105 total) of the First Amended Complaint should remain under seal to protect Boeing and its customers' confidential contracts.

LEGAL STANDARD AND ARGUMENT

This stipulation adopts and incorporates by references the parties' Stipulated Motion and Order for Leave to File Document Under Seal at ECF No. 44. For the reasons set out in the Stipulated Motion, the particular contractual terms of the AGTAs excerpted or summarized in LOT's First Amended Complaint—specifically at paragraphs 644, 646, 647, and 974 of the First Amended Complaint—should be redacted in the public filing. Redacting four out of the First Amended Complaint's 1,105 total paragraphs (or 0.36% of the First Amended Complaint) is the least restrictive method available to ensure protection of Boeing's confidential and sensitive information. *See* LCR 5(g)(3)(B)(iii) (requiring the least restrictive method to ensure protection of material to be sealed). Because there are no less restrictive alternatives available, the parties agree that redaction is appropriate.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court grant LOT leave to file LOT's redacted First Amended Complaint, attached as Exhibit A, leaving sealed only four specific paragraphs that disclose the contents of Boeing's proprietary business contract (the AGTA).

IT IS SO STIPULATED by and between the Parties.

¹ The parties (Anthony U. Battista, Evan Kwarta, and Mirin Park on behalf of LOT and Ulrike B. Connelly and Michelle Maley on behalf of Boeing) telephonically conferred on November 7, 2022 and reached agreement on which parts of the First Amended Complaint require redaction—that is, parts of the complaint referencing or excerpting Boeing's Aircraft General Terms Agreements ("AGTAs").

1 DATED: November 8, 2022

2 By: s/ Mirin Park

3 Mirin Park, WSBA No. 57983

4 **Condon & Forsyth LLP**

5 600 Stewart Street

6 Suites 300 & 400

7 Seattle, Washington 98101

8 Email: mpark@condonlaw.com

9 Anthony U. Battista (*pro hac vice*)

10 Diana Gurfel Shapiro (*pro hac vice*)

11 Evan Kwarto (*pro hac vice*)

12 Mary Dow (*pro hac vice*)

13 **Condon & Forsyth LLP**

14 7 Times Square, 18th Floor

15 New York, New York 10036

16 Email: abattista@condonlaw.com

17 dgurfel@condonlaw.com

18 ekwarto@condonlaw.com

19 mdow@condonlaw.com

20 *Attorneys for Plaintiff*

21 *Polskie Linie Lotnicze LOT S.A.*

22 By: s/ Ulrike B. Connelly

23 Steve Y. Koh, WSBA No. 23284

24 Eric B. Wolff, WSBA No. 43047

25 Ulrike B. Connelly, WSBA No. 42478

26 Gregory F. Miller, WSBA No. 56466

Michelle L. Maley, WSBA No. 51318

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

Email: SKoh@perkinscoie.com

EWolff@perkinscoie.com

UConnolly@perkinscoie.com

GMiller@perkinscoie.com

MMaley@perkinscoie.com

Attorneys for Defendant

The Boeing Company

ORDER

Based upon the foregoing Stipulation, the Court hereby:

ORDERS, ADJUDGES AND DECREES that the redacted copy of Plaintiff POLSKIE LINIE LOTNICZE LOT S.A.'s First Amended Complaint may be filed on the docket.

IT IS SO ORDERED.

DATED this 10th day of November, 2022.



RICARDO S. MARTINEZ

UNITED STATES DISTRICT JUDGE